

## Minutes of Plan Commission Meeting June 18, 2019

**Call to Order** – Phil Wedekind called the meeting of the Commission to order at 5:15 PM.

**Roll Call** – Present were Phil Wedekind, Dennis Thurow, Roy Franzen, Pat Liston, Jim O'Neill, Tom Kolb, and Dee Marshall.

Also in attendance were Tom Pinion, Atty Emily Truman, Alison Taber, Ashley Zirzow, and Chief Schauf.

### **Call to Order**

- a. Note compliance with the Open Meeting Law. Wedekind noted compliance with the Open Meeting Law.
- b. Agenda Approval: It was moved by Liston, seconded by Kolb to approve the agenda as posted. Motion carried unanimously.
- c. Minutes Approval: It was moved by O'Neill, seconded by Kolb to approve the minutes of the May 21, 2019 meeting. Motion carried unanimously.

**Public Invited to Speak** (*Any citizen has the right to speak on any item of business that is on the agenda for Commission action if recognized by the presiding officer.*) – There were no speakers.

### **New Business**

- a. Request by Alison Taber, d/b/a Tuttle Heights LLC, to rezone the 132' x 198' parcel of land on the northwest corner of the intersection of Albert Rd and Tuttle Street from R-1A Single Family Residential to R-3 One- to Four-Family Multi-Family Residential – Alison Taber introduced herself to the Commission. Pinion presented the background to the Commission. He stated that the Tabers would like to rezone the property to R-3, which will make a conforming use. Liston moved to recommend approval of R-3 zoning. Franzen seconded the motion. Kolb said that the last time this was in front of the Commission it was stated that there was a problem with the setbacks if rezoned. Pinion said that there would be a problem if each building were on its own lot; however, the R-3 zoning allows multiple principal dwellings on a lot with a ten-foot separation between them. On roll call vote for the motion, Ayes – Thurow, Franzen, Liston, O'Neill, Kolb, Marshall, and Wedekind. Nay – 0, motion carried 7-0.
- b. Request to Vacate the unimproved Monroe Avenue right-of-way between Amundson Drive and Birch Street – Ashley Zirzow, 1707 Amundson Drive introduced herself to the Commission. Pinion said that Zirzow had filed a petition that was signed by all adjoining property owners for the one block length of Monroe Avenue; it is an unimproved right-of-way, which he does not believe was ever improved because it is the boundary of three different plats. The area requested to be vacated is between Amundson and Birch, it is unoccupied, and no improvement on it. Kolb asked if there would ever be an intent by the City to improve this into an alley. Pinion said that there is one potential development lot on it, but the cost to make this into a fully improved road right-of-way would be two or three times more than the value of a saleable lot. Liston asked when land is vacated if the City places a value on it or the Assessor. Pinion said that the Assessor would value the land. Pinion said when a right-of-way is vacated it is sliced down the middle and half goes both ways. It was moved O'Neill, seconded by Marshall to move along to Council with a positive recommendation to vacate the unimproved Monroe Avenue right-of-way between Amundson Drive and Birch Street. On roll call vote for the motion, Ayes – Franzen, Liston, O'Neill, Kolb, Marshall, and Thurow. Nay – 0, motion carried 7-0.
- c. Consideration of amendment to the General Code of Ordinances to regulate add Pet Stores – Attorney Truman presented the background for this issue and presented the updated proposed Ordinance to regulate Pet Stores with the changes that the Commission directed her to make at last month's meeting. She stated that she did include the web links in her memo where the Commission to go to find references that she used to draft the ordinance, because the references were hundreds of pages long. She did say that the suggestion was to put this issue under Chapter 12 of the City Code, instead of Chapter 17 because it is more of a licensing issue rather than zoning. Kolb said that he feels that the sale of frogs, worms, fish or reptiles for bait for fishing should be excluded from the pet store definition. Kolb also felt that no outside kennels should be allowed in pet stores. Kolb expressed concern regarding the proposed definition for "pet store" with the definition not applying to someone selling animals for less than 30 days a year and wondered if a private individual in a residential district that bred their dog, where it would that fit into the definition. Truman said that under the proposed definition, if anyone, individual, business, etc., sold animals for more than 30 days in a 365 day time period they would need a pet store license. She said that this 30-day period applies only when someone is actively trying to sell the animals. The 30-days out of 365 days would also make it so the sale of chicks for a few weeks out of the year at Farm & Fleet would not be illegal and that they would not need a license. O'Neill expressed concern regarding the advertising of animals that may not born or ready to sell yet, and how it could be enforced. Truman said that this is not an ordinance easily enforced and will often rely on people reporting violators to the police. Schauf said that the key to having the ordinance is that it gives his department the teeth they will need when they get a call about someone selling animals more than 30 days out of the year. Liston commended Truman on her efforts. Truman said that she would rewrite the proposed ordinance so that it would not require bait shops to get a license and to prohibit outdoor kennels. It was moved by Franzen, seconded by Kolb to recommend the proposed ordinance be added to the General Code of Ordinances with the changes. On roll call vote for the motion, Ayes – Liston, O'Neill, Kolb, Marshall, Wedekind, Thurow, and Franzen. Nay – 0, motion carried 7-0.

**Adjournment** - It was moved by Liston, seconded by O'Neill to adjourn at 5:41 p.m. The motion carried unanimously.

Phil Wedekind, Mayor Designee